

REMARKS/ARGUMENTS

Favorable reconsideration of this application as presently amended and in light of the following discussion is respectfully requested.

Claims 1-8 and 10-23 are pending in this application. Claim 9 is canceled, and Claims 1, 2, 13, and 22 are amended by the present amendment.

Amendments to the claims find support in the application as originally filed, at least at Claim 9. Thus, no new matter is added.

In the outstanding Office Action, Claims 1-5, 7-13, and 22 were rejected under 35 U.S.C. §103(a) as unpatentable over U.S. Patent 6,678,598 to Hillebrand et al. (herein "Hillebrand"); Claims 6 and 19-21 were rejected under 35 U.S.C. §103(a) as unpatentable over Hillebrand in view of U.S. Patent 6,572,139 to Adachi; and Claims 14-18 and 23 are allowed.

Initially, Applicants gratefully acknowledge the indication of allowance of Claims 14-18 and 23.

Further, Applicants respectfully traverse the rejection of Claims 1-5, 7-13, and 22 under 35 U.S.C. §103(a) as unpatentable over Hillebrand, with respect to amended independent Claims 1, 2, 13, and 22.

Claim 1 is amended to include the features of previously presented Claim 9. In particular, Claim 1 is directed to a distance detecting apparatus that includes, in part, a light emitting unit that emits a light, a photographing device that obtains an image of an object, and a distance deriving unit. The distance deriving unit derives a distance between the object and a predetermined position by choosing a shortest one of a plurality of distance candidates depending on a position of the object, when the plurality of distance candidates are derived from the image based on a position of the distributed pattern of the light in the image

obtained by the photographing device. Independent Claims 2, 13, and 22 include similar features.

Thus, according to the amended independent claims, appropriate operation of the air bag is enabled because the shortest distance between the object and the predetermined position is considered.<sup>1</sup>

Applicants respectfully submit that Hillebrand fails to teach or suggest each of the features of amended independent Claims 1, 2, 13, and 22. Hillebrand describes a device for seat supervision in motor vehicles. In particular, Hillebrand indicates that a light source 54 emits a light, and a recording zone is divided into three sections according to the distance from an airbag (i.e., an airbag deactivation section 82, a section 84 for power adjusted airbag firing, and an airbag activation section 86, in Hillebrand Figure 4). Further, Hillebrand indicates that the airbag is controlled by judging the section to which the light belongs.<sup>2</sup> However, Hillebrand fails to teach or suggest any distance deriving unit that chooses a shortest one of plural distance candidates. Accordingly, Applicants respectfully submit that Hillebrand fails to teach or suggest a distance deriving unit that derives a distance “by choosing a shortest one of a plurality of distance candidates depending on a position of the object, when the plurality of distance candidates are derived from the image,” as recited in independent Claims 1, 2, 13, and 22.

Accordingly, Applicants respectfully submit that independent Claims 1, 2, 13, and 22, and claims depending therefrom, patentably define over Hillebrand.

Therefore, it is respectfully requested the rejection of Claims 1-5, 7-13, and 22 under 35 U.S.C. §103(a) be withdrawn.

In addition, Applicants respectfully traverse the rejection of Claims 6 and 19-21 under 35 U.S.C. §103(a) as unpatentable over Hillebrand in view of Adachi.

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<sup>1</sup> Specification at page 16, line 14 to page 17, line 6.

<sup>2</sup> Hillebrand at column 8, lines 5-22.

Claim 6 depends from Claim 2, which is believed to patentably define over Hillebrand, as discussed above. Further, Applicants respectfully submit that Adachi fails to teach or suggest the claimed features lacking in the disclosure of Hillebrand. Accordingly, it is respectfully requested the rejection of Claim 6 be withdrawn.

In addition, Applicants respectfully submit that Hillebrand and Adachi fail to teach or suggest the features of Claims 19-21. Claims 19-21 are directed to an airbag system that includes a memory that stores a computer program that makes it possible to execute a function and a processor that can access the memory unit and execute the computer program, where the function includes features similar to those recited in allowed Claims 15, 17, and 18, respectively. Further, Applicants respectfully submit that Hillebrand and Adachi fail to teach or suggest the features in Claims 15 and 17-21. Thus, Applicants respectfully submit that Claims 19-21 are allowable, at least for the same reasons as Claims 15, 17, and 18, respectively.

Accordingly, it is respectfully requested the rejection of Claims 6 and 19-21 also be withdrawn.

Therefore, Applicants respectfully submit that independent Claims 1, 2, 13-15, 19, 22, and 23, and claims depending therefrom, are allowable.

Consequently, in light of the above discussion and in view of the present amendment, this application is believed to be in condition for allowance and an early and favorable action to that effect is respectfully requested.

Respectfully submitted,

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